

REMARKS/ARGUMENTS

Amendments

Before this Amendment, claims 1-20 were present for examination. Claims 1, 6, and 11 are amended. No claims are cancelled, and new claims 21-27 are added. Therefore, claims 1-27 are present for examination, and claims 1, 11, 14, and 21 are the independent claims. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

The amendment to claim 6 merely corrects an obvious drafting error.

35 U.S.C. §102(b) Rejection, Hilt

The Office Action has rejected claims 1-20 under 35 U.S.C. §102(b) as being anticipated by the cited portions of Hilt et al., U.S. Patent 5,465,206 ("Hilt"). Applicant respectfully traverses.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1-10

Claim 1 as amended recites

1. A system for implementing consumer based communication rules in relation to a financial account, the system comprising:
a microprocessor based rule engine; and
a computer readable medium, wherein the computer readable medium includes instructions executable by the microprocessor based rule engine to:
receive a trigger, wherein the trigger indicates a correspondence associated with the financial account;
receive a communication rule from a consumer participant associated with the financial account;
incorporate the communication rule into a communication rule set maintained on the computer readable medium;
access information associated with the financial account;

apply the communication rule set to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule set.

Hilt does not describe at least the highlighted elements of claim 1.

Applicant's invention provides "systems and methods for allowing consumer control of financial account communications." (Specification paragraph [0002])

Claim 1 has been amended to clarify that a *participant* associated with a financial account is a *consumer participant*. Applicant intends that this amendment simply clarify the claim terms without changing their scope. The preamble of claim 1 indicates that the claim is directed to a *system for implementing consumer based communication rules*. As is explained in Applicant's specification, the invention is related to "systems and methods for allowing **consumer** control of financial account communications." (Specification paragraph [0002], emphasis added) A "participant can be an account owner, an account custodian, or someone authorized thereby." (Specification paragraph [0016]) However, the financial institution itself is not considered a participant, as evidenced by the fact that a message can be "placed in a specially designated area of a correspondence that indicates that the message is from another participant, and not the responsibility of the issuer or processor providing the correspondence." (Specification paragraph [0013])

In support of the rejection, the examiner cites Figure 9, column 18 lines 29-65, column 21 lines 1-56, and column 10 lines 1-62 of Hilt. None of these passages describes *receiv[ing] a communication rule from a consumer participant associated with the financial account, incorporate[ing] the communication rule into a communication rule set maintained on the computer readable medium, or apply[ing] the communication rule set to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule set.*

Hilt's Figure 9 is "a flowchart describing the process of converting a non-participating biller into a participating biller." (Hilt column 18 line 28) Column 18 lines 29-65 of Hilt describe a portion of the flowchart of Figure 9, and describes exchanges between billers

and banks, but does not describe *receiv[ing] a communication rule from a consumer participant*. Neither does this passage describe at least the other elements of claim 1 highlighted above.

Hilt's column 21 describes part of a "bill payment process ... between a participating consumer and a participating biller." (Hilt column 20 lines 36-38) While "the consumer sends a bill payment order to the consumer's bank" (Hilt column 21 line 1), a bill payment order is not a *communication rule*. The rest of column 21 describes the mechanics of processing a payment, and does not describe *incorporat[ing] the communication rule into a communication rule set maintained on the computer readable medium; or apply[ing] the communication rule set to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule set*.

Hilt's column 10 describes some drawbacks of prior payment systems, and summarizes part of one embodiment of "an improved bill paying system". (Hilt column 10 line 34) Nowhere in Hilt's column 10 is there any indication that a consumer can control the content of communications about his or her account, as claim 1 recites.

Because Hilt does not describe each and every element of Applicant's claim 1, claim 1 is not anticipated by Hilt. Claims 2-10 depend from claim 1 and add further limitations, and are therefore also not anticipated.

In addition, dependent claims 2, 3, 4, and 8 relate to an *account group*. As is explained further below with respect to claim 14, Hilt does not describe an *account group*.

Claims 11-13

Claim 11 as amended recites

11. A method for implementing consumer based communication rules in relation to a financial account, the method comprising:

receiving an indication of a financial account, wherein the indication identifies a consumer participant associated with the financial account;

providing a communication rules interface to the consumer participant over a communication network;

receiving a communication rule via the communication rules interface;

*receiving a trigger, wherein the trigger indicates a correspondence associated with the financial account;
accessing information associated with the financial account; and
applying the communication rule to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule.*

Claim 11 has also been amended to emphasize that the *participant associated with the financial account* is a **consumer participant**. Hilt does not describe at least the highlighted elements of claim 11.

In support of the rejection, the examiner cites the same sections of Hilt as were cited in the rejection of claim 1, and much of the argument given above for the patentability of claim 1 applies to claim 11 as well. The cited portions of Hilt do not describe any *communication rules interface provided to the participant over a communication network*. The examiner cites column 18 lines 45-52 of Hilt as describing *receiving a communication rule via the communication rules interface*, noting that the passage refers to “payment network rules”. (Paper 20070623 page 4) Because no communication rules interface is described, Hilt cannot describe *receiving a communication rule via the communication rules interface*. Furthermore, read in context, this passage indicates that a “participating biller bank agrees ... to abide by the terms and conditions of the payment network rules for services they offer billers.” There is no suggestion that the “rules” referred to have to do with communications involving consumer participants, or that any rules are received from a consumer participant over a *communication rules interface*.

Nor does Hilt describe *applying the communication rule to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule*. No part of Hilt that describes a consumer supplying a communication rule that affects the content of a communication regarding an account.

Because Hilt does not describe each and every element of Applicant's claim 11, claim 11 is not anticipated by Hilt. Claims 12 and 13 depend from claim 11 and add further limitations, and are therefore also not anticipated.

Claims 14-20

Claim 14 recites

14. *A method for implementing consumer based communication rules in relation to an account group, the method comprising:*
receiving an indication of an account group, wherein the indication identifies a member of the account group, and wherein the account group includes at least a first financial account and a second financial account;
providing a communication rules interface to the member over a communication network;
receiving a communication rule via the communication rules interface;
accessing information associated with the account group; and
applying the communication rule to the information associated with the account group.

Hilt does not describe at least the elements of claim 14 highlighted above.

The method of claim 14 relates to an *account group*. For the purposes of this application an *account group* is a group of two or more financial accounts associated with each other. (Applicant's specification paragraph [0035]) A *member of the account group* is a person connected in some way with one or more of the accounts in the *account group*. Applicant's specification paragraph [0043] gives some example grouping scenarios.

In support of the rejection, the examiner cites the same sections of Hilt as were cited in the rejections of claims 1 and 11, and much of the arguments given above for the patentability of claims 1 and 11 applies to claim 14 as well. As is explained above, Hilt does not describe at least *providing a communication rules interface to the member over a communication network, receiving a communication rule via the communication rules interface; accessing information associated with the account group, or applying the communication rule to the information associated with the account group*. Nothing like these elements appears in Hilt.

In addition, Hilt does not describe an *account group*, or a *member of an account group*, and therefore cannot describe any of the claim elements relating to an *account group* or a *member of an account group*. All of the elements of claim 14 relate to an account group or a member of an account group or to both.

Because Hilt does not describe each and every element of Applicant's claim 14, claim 14 is not anticipated by Hilt. Claims 15-20 depend from claim 14 and add further limitations, and are therefore also not anticipated.

New Claims

Claims 21-27 are newly added. These claims are supported in the specification at least at paragraphs [0008], [0009], [0012], [0013], [0017], and [0018].

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



David W. Boyd
Reg. No. 50,335

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300

DWB:klb
61112105 v1